

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STATE FARM MUTUAL
AUTOMOBILE INSURANCE CO.,

Case No. 12-11500

Plaintiff,

Hon. John Corbett O'Meara

v.

PHYSIOMATRIX, INC., *et al.*,

Defendants.

ORDER DENYING MOTION TO DISMISS

Before the court is State Farm's motion to dismiss the amended counter-complaint, filed June 14, 2013, which has been fully briefed. Pursuant to L.R. 7.1, the court did not hear oral argument.

The court dismissed the original counter-complaint filed by Physiomatrix, Inc. and Genex Physical Therapy, Inc. ("the Clinics") on February 12, 2013. The Clinics filed a motion for reconsideration, to which State Farm responded. The court granted the Clinics' motion for reconsideration and granted leave for the Clinics to file an amended counter-complaint. In doing so, the court considered and rejected the arguments State Farm raises again in its motion to dismiss. Although the court understands State Farm's desire to protect the record by filing a motion to dismiss, the court is not inclined to consider these same arguments again.

Accordingly, for the reasons set forth in the court's May 22, 2013 order (Docket No. 87), IT IS HEREBY ORDERED that State Farm's June 14, 2013 motion to dismiss is DENIED.

S/John Corbett O'Meara
United States District Judge

Date: August 7, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, August 7, 2013, using the ECF system.

s/William Barkholz
Case Manager